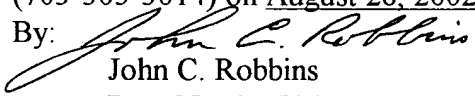


# COPY FROM PARENT

00801-0165-US01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)	Examiner: Joseph T. WOITACH
	)	
FITZMAURICE <i>et al.</i>	)	Group Art Unit: 1632
	)	
Serial No.: 09/565,616	)	I hereby certify that this correspondence
	)	is being facsimile transmitted to the US
Filed: May 4, 2000	)	Patent and Trademark Office
	)	(703-305-3014) on August 28, 2002
For: VIRAL EXPRESSION VECTORS		By: 
		John C. Robbins
		Reg. No. 34,706

### DECLARATION UNDER 37 CFR 1.132

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, John C. Robbins, am a registered US Patent Agent, registration number 34,706, authorized to represent the inventor and the assignee in the instant patent application. I hereby declare the following facts are true and accurate to the best of my knowledge:

1) On April 29, 1999, Applicant submitted a plasmid sample along with appropriate papers to the American Type Culture Collection (ATCC) in accordance with the Budapest Treaty that provided Identification Reference PBSG1057 for the submitted plasmid.

2) The instant application claims priority to provisional U.S. Patent Application Serial No. 60/132,697, filed May 4, 1999.

3) On May 4, 1999, the ATCC issued a paper assigning accession number 203981 to the sample PBSG1057 submitted on April 29, 1999.

4) The sample plasmid submitted on April 29, 1999 and subsequently assigned accession number 203981 corresponds to the plasmid described and claimed in the instant patent application.

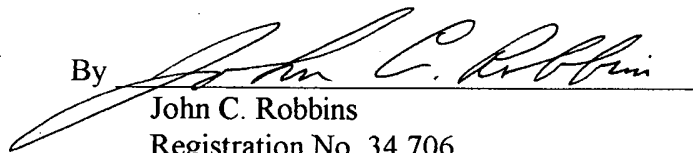
5) Claim 12 of the instant application as originally filed included two typographical errors. Specifically, claim 12 mistakenly recites a viral vector designated as "BSG1057". A single character "P" at the beginning of the designation was unintentionally omitted. The designation should have been listed as - - PBSG1057 - -. Claim 12 also mistakenly recites an assigned accession number as "20398". A single digit "1" at the end of the number was unintentionally omitted. The accession number should have been listed as - - 203981 - -. These two typographical errors have been corrected in the accompanying amendment. The undersigned declares that these two amendments to claim 12 reflect corrections to typographical errors and do not constitute new matter.

6) The undersigned notes that on April 29, 1999, the papers submitted to the ATTC identified the assignee of the instant application as BIOSOURCE TECHNOLOGIES. Subsequent to the filing of the instant application and the ATCC submission, the assignee changed its name to Large Scale Biology Corporation.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By

A handwritten signature in cursive script, appearing to read "John C. Robbins", is written over a horizontal line.

John C. Robbins  
Registration No. 34,706  
Large Scale Biology Corporation  
3333 Vaca Valley Parkway Suite 1000  
Vacaville CA 95688  
Telephone: 707-469-2313

## Combined Declaration and Power of Attorney for Patent Application

Docket Number: 08010165US01

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled VIRAL EXPRESS VECTORS, the specification of which is attached hereto unless the following box is checked:

☒ was filed on May 4, 2000, as United States Application Number or Number 09/565,616; and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

☐ Yes ☐ No

\_\_\_\_\_  
(Application No.)      (Country)      (Day/Month/Year Filed)

☐ Yes ☐ No

\_\_\_\_\_  
(Application No.)      (Country)      (Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/132,697      May 4, 1999  
(Application No.)      (Filing Date)

\_\_\_\_\_  
(Application No.)      (Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

COPY FROM PARENT

(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
-------------------	---------------	---

(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)
-------------------	---------------	---

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Robert A. Auchter, Reg. No. 38,069  
William D. Belanger, Reg. No. 40,509  
Michael J. Bell, Reg. No. 39,604  
John A. Bendrick, Reg. No. 41,612  
Celine T. Callahan, Reg. No. 34,301  
Cono A. Carrano, Reg. No. 39,623  
Jenny W. Chen, Reg. 44,604  
June E. Cohan, Reg. No. 43,741  
Joseph V. Colaianne, Reg. No. 39,948  
Chris Comuntzis, Reg. No. 31,097  
Mary S. Consalvi, Reg. No. 32,212  
Ben M. Davidson, Reg. No. 38,424  
Ross E. Davidson, Reg. No. 41,698  
James F. Davis, Reg. No. 21,072  
Thomas M. Dunham, Reg. No. 39,965  
Thomas C. Fiala, Reg. No. 43,610  
Joel Mark Freed, Reg. No. 25,101  
Alan M. Grimaldi, Reg. No. 26,599  
Albert P. Halluin, Reg. No. 25,227  
Leslie L. Jacobs, Jr., Reg. No. 40,659  
Derek J. Jardieu, Reg. No. 44,483  
Christopher L. Kelley, Reg. No. 42,714  
Brian S.Y. Kim, Reg. No. 41,114  
Richard H. Kjeldgaard, Reg. No. 30,186

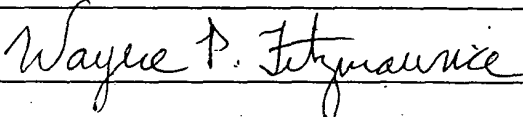
Andrew R. Kopsidas, Reg. No. 42,759  
David J. Kulik, Reg. No. 36,576  
Viola T. Kung, Reg. No. 41,131  
Robert C. Laurenson, Reg. No. 34,206  
Joseph P. Lavelle, Reg. No. 31,036  
Don F. Livornese, Reg. No. 32,040  
David R. Marsh, Reg. No. 41,408  
Christopher A. Mathews, Reg. No. 35,944  
Joseph A. Micallef, Reg. No. 39,772  
Andrew Y. Piatnicia, Reg. No. 40,772  
Andrea G. Reister, Reg. No. 36,253  
Timothy W. Riffe, Reg. No. 43,881  
Paul Roath, Reg. No. 45,045  
Richard M. San Peitro, Reg. No. 45,071  
Anthony W. Shaw, Reg. No. 30,104  
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Michael J. Songer, Reg. No. 39,841  
Michael J. Stimson, Reg. No. 45,429  
Jennifer A. Tipsord, Reg. No. 40,205  
William K. West, Reg. No. 22,057  
Adam K. Whiting, Reg. No. 44,400  
Karen K. Wong, Reg. No. 44,409  
Robert J. Worrall, Reg. No. 37,969  
Wallace Wu, Reg. No. 45,380

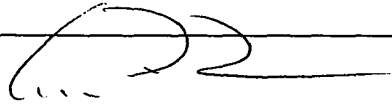
Send Correspondence to:

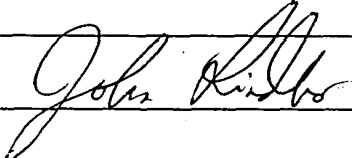
**Albert P. Halluin**  
**HOWREY SIMON ARNOLD & WHITE, LLP**  
Box No. 34  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2402  
Facsimile: (202) 383-7195

Direct Telephone Calls to: (650) 463-8100

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor Wayne P. Fitzmaurice	
Inventor's signature 	Date 8/18/00
Residence 1218 Las Encinas Court, Vacaville, California 95687	
Citizenship USA	
Post Office Address 1218 Las Encinas Court, Vacaville, California 95687	

Full name of second inventor Gregory P. Pogue	
Second inventor's signature 	Date 8/31/00
Residence 419 Trillick Ct., Vacaville, California 95688	
Citizenship USA	
Post Office Address 419 Trillick Ct., Vacaville, California 95688	

Full name of third inventor John A. Lindbo	
Third inventor's signature 	Date 8/25/00
Residence 143 Sundance Drive, Vacaville, California 95688	
Citizenship	
Post Office Address 143 Sundance Drive, Vacaville, California 95688	

(Supply similar information and signature for subsequent joint inventors, if any)

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

NOVEMBER 15, 2000

PTAS

NOV 16 2000



\*101473349A\*

HOWREY SIMON ARNOLD & WHITE, LLP  
ALBERT P. HALLUIN  
BOX NO. 34  
1299 PENNSYLVANIA AVE., N.W.  
WASHINGTON, DC 20004-2402

WASHINGTON, D.C.

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 09/15/2000

REEL/FRAME: 011102/0429  
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

FITZMAURICE, WAYNE P.

DOC DATE: 08/18/2000

ASSIGNOR:

POGUE, GREGORY P.

DOC DATE: 08/31/2000

ASSIGNOR:

LINDBO, JOHN A.

DOC DATE: 08/25/2000

ASSIGNEE:

LARGE SCALE BIOLOGY CORPORATION  
3333 VACA VALLEY PARKWAY  
VACAVILLE, CALIFORNIA 95688

SERIAL NUMBER: 09565616  
PATENT NUMBER:

FILING DATE: 05/04/2000  
ISSUE DATE:

DOCKETED

*Ph*

TONYA LEE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS





EXPRESS MAIL NO.: EL615207325US

09-27-2000



Patent and Trademark Office

RECORDATION  
PA

101473349

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Wayne P. Fitzmaurice  
Gregory P. Pogue  
John A. LindboAdditional name(s) of conveying party(ies) attached? ☐ yes ☒ no

## 2. Name and address of receiving party(ies):

Name: Large Scale Biology Corporation  
Street Address: 3333 Vaca Valley Parkway  
City: Vacaville State: Ca Zip Code: 95688  
Country: USAAdditional name(s) & address(es) attached? ☐ yes ☒ no

## 3. Nature of Conveyance:

☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date(s): 8/18/00, 8/31/00, and 8/25/00

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is

A. Patent Application No(s).

09/565,616

B. Patent No(s).

Additional numbers attached? ☐ yes ☒ no

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: HOWREY SIMON ARNOLD &amp; WHITE, LLP

Internal Address:

Street Address: Box No. 34  
1299 Pennsylvania Ave, N.W.

City: Washington State: D.C. Zip Code: 20004-2402

## 6. Total number of applications and patents involved

1

## 7. Total fee (37 C.F.R. § 3.41).....\$ 40.00

☒ Enclosed☐ Authorized to be charged to Deposit Account

## 8. Deposit Account Number: 08-3038

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Albert P. Halluin, 25,227  
Name of Person Signing  
Registration No.

Signature

Date

Total number of pages including cover sheet, attachments and document 6

OMB NO. 0651-0011 (exp. 4/94)

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents and Trademarks, Box Assignments  
Washington, D.C. 2023109/26/2000 11:41:11  
01 FC:581  
00000087 40.00 DP

## ASSIGNMENT

WHEREAS, we, **Wayne P. Fitzmaurice, Gregory P. Pogue and John A. Lindbo**, being citizens of the United States of America, residing at **1218 Las Encinas Court, Vacaville, CA 95687, 419 Trillick Ct., Vacaville, CA 95688, and, 143 Sundance Drive, Vacaville, CA 95688**, respectively, have made new and useful improvements in **Viral Expression Vectors**, for which an application for Letters Patent of the United States was filed on **May 4, 2000** as Application No. **09/565,616**.

WHEREAS, **Large Scale Biology Corporation**, having a place of business at **3333 Vaca Valley Parkway, Vacaville, California 95688**, and who, together with its successors and assigns ("Assignee") is desirous of acquiring the title, rights, benefits, and privileges hereinafter recited.

NOW, THEREFORE, for valuable consideration furnished by Assignee to us, receipt and sufficiency of which we hereby acknowledge, we hereby, without reservations:

1. Assign, transfer, and convey to Assignee the entire right, title, and interest in and to said application for Letters Patent of the United States, including all claims, if any, for infringement prior to the date of this assignment, the inventions and discoveries described therein, any and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation, and Convention applications based in whole or in part upon said inventions or discoveries, or upon said applications, and any and all Letters Patent, reissues, and extensions of Letters Patent granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications, and said Letters Patent.

2. Authorize Assignee to file patent applications in any or all countries for any or all of said inventions and discoveries in our name or in the name of Assignee or otherwise as Assignee may deem advisable, under the International Convention or otherwise.

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of the entire right, title, and interest therein or otherwise as Assignee may direct.

4. Warrant that we have not knowingly conveyed to others any right in said inventions, discoveries, applications, or patents or any license to use the same or to make, use, or sell anything embodying or utilizing any of said inventions or discoveries; and that we have good right to assign the same to Assignee without encumbrance.

5. Bind our heirs, legal representatives, and assigns, as well as ourselves, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to us or them, all acts reasonably serving to assure that the said inventions and discoveries, the said patent applications, and the said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by us, our heirs, legal representatives, and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to us relating to said inventions and discoveries or the history thereof; to furnish Assignee with any and all documents, photographs, models, samples, and other physical exhibits in our control or in the control of our heirs, legal representatives, or assigns which may be useful for establishing the facts of our conception, disclosures, and reduction to practice of said inventions and discoveries; and to testify as to the same in any interference or other litigation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 18 day of

Aug, 2000.

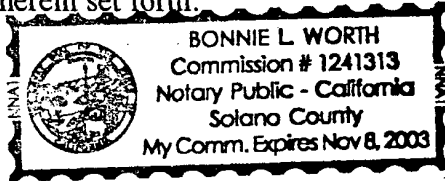
Wayne P. Fitzmaurice 8/18/00  
Wayne P. Fitzmaurice

STATE OF California  
COUNTY OF Solano

SS:

On this 18<sup>th</sup> day of August, 2000, before me, <sup>Bonnie L. Worth, Notary Public.</sup> personally appeared **Wayne P. Fitzmaurice**, to me known and known to me to be the individual described in and who executed the foregoing instrument, and who duly acknowledged to me to have executed the foregoing instrument, and who duly acknowledged to me to have executed the same for the purpose therein set forth.

(SEAL)

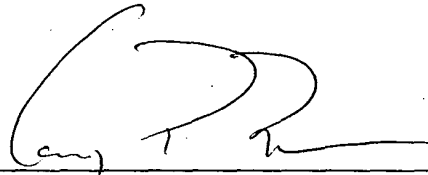


Bonnie L. Worth  
NOTARY PUBLIC

My Commission Expires: Nov. 8, 2003

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 31 day of

08, 2000.



Gregory P. Pogue

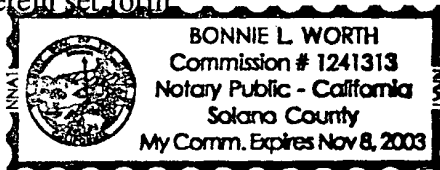
STATE OF California

COUNTY OF Solano

SS:

On this 31<sup>st</sup> day of August, 2000, before me, <sup>Bonnie L. Worth, Notary Public</sup> personally appeared Gregory P. Pogue, to me known and known to me to be the individual described in and who executed the foregoing instrument, and who duly acknowledged to me to have executed the foregoing instrument, and who duly acknowledged to me to have executed the same for the purpose therein set forth.

(SEAL)



Bonnie L. Worth  
NOTARY PUBLIC

My Commission Expires:

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 25 day of Aug, 2000.

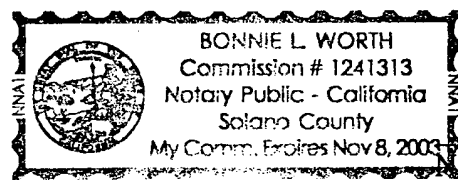
John A. Lindbo 8/25/00  
John A. Lindbo

STATE OF California  
COUNTY OF San Diego

SS:

On this 25<sup>th</sup> day of August, 2000, before me, Bonnie L. Worth, Notary Public, personally appeared John A. Lindbo, to me known and known to me to be the individual described in and who executed the foregoing instrument, and who duly acknowledged to me to have executed the foregoing instrument, and who duly acknowledged to me to have executed the same for the purpose therein set forth.

(SEAL)



Bonnie L. Worth  
NOTARY PUBLIC

My Commission Expires:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
FITZMAURICE, et al.

Serial No. 09/565,616

Filed: May 4, 2000

For: **Viral Expression Vectors**

Group Art Unit: 1632

Examiner: Woitach, J.

**COPY FROM PARENT**

Commissioner for Patents  
Washington, D.C. 20231

**ASSOCIATE POWER OF ATTORNEY/AUTHORIZATION OF AGENT**

Sir:

In accordance with 37 CFR §§ 1.34(a) and/or 1.34(b), the undersigned, Thomas Gallegos, hereby appoints:

**Customer No. 22,798**

Jonathan Alan Quine, Reg. No. 41,261,  
Christopher Sappenfield, Reg. No. 45,073  
Gary Baker, Reg. No. 41,595  
Irene Pleasure, Reg. No. 45,506  
Stacy Landry, Reg. No. 42,779  
Tom Hunter, Reg. No. 38,498

Angela P. Horne, Reg. No. 41,079  
Emily Haliday, Reg. No. 38,903  
Gwynedd Warren, Reg. No. 45,200  
Paul Littlepage, Reg. No. 48,581  
Stephen LeBlanc, Reg. No. 36,579

David R. McGee, Reg. No. 41,454  
John E. Tarcza, Reg. No. 33,638  
John C. Robbins, Reg. No. 34,706  
Thomas Gallegos, Reg. No. 32,692

as associate attorneys/agents of record in the above-referenced patent application, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

I, Thomas Gallegos, am in-house patent counsel at Large Scale Biology Corporation and am a representative of the inventors of the instant application under 37 CFR § 1.31.

Respectfully submitted,

Date: 7-24-02

By: Thomas Gallegos

Thomas Gallegos  
Sr. Director, Intellectual Property  
Registration No. 32,692  
LARGE SCALE BIOLOGY CORPORATION  
3333 Vaca Valley Parkway, Suite 1000  
Vacaville, CA 95688  
Telephone: (707) 446-5501